

REMARKS

The Official Action dated December 17, 2003 has been received and its contents carefully noted. In view thereof, claims 1-6 have been cancelled in their entirety without prejudice nor disclaimer of the subject matter set forth therein in favor of new claims 7-10. Accordingly, claims 7-10 are presently pending in the instant application.

Initially, applicants' wish to acknowledge the Examiners indication on page 3 of the Office Action that claims 2-5 are objected to as being dependent upon rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of base claim and any intervening claims. In this regard, as can be seen in the foregoing amendments, previous claims 1-6 have been cancelled in favor of new claims 7-10. Claims 7-10 are previous to dependent claims 2-5 rewritten in independent form. That is, new independent claim 7 recites the limitation that the first nozzle sucks up a portion of the slurry that is located higher than the bottom of the container by 5 centimeters or more, new independent claim 8 recites that the end of the first nozzle is cut away obliquely with respect to the axis thereof, new claim 9 recites that the end of the first nozzle is closed and that the side of the first nozzle is provided with a plurality of openings for sucking the slurry up therethrough and new independent claim 10 recites that the slurry feeding apparatus includes a mechanism for adjusting the level of the first nozzle at the end thereof. Accordingly, it is respectfully submitted that each of claims 7-10 which include subject matter indicated as being allowable by the Examiner are now in proper condition for allowance.

Referring now to paragraphs 1 and 2 of the Office Action applicants' hereby confirm the election of Group I without traverse including claims 1-5 for prosecution on the merits of the instant application. Applicants' further acknowledge that claim 6 has been withdrawn from further consideration by the Examiner. Furthermore, as can be seen for the foregoing

amendments, claim 6 which has been withdrawn from consideration by the Examiner has been cancelled.

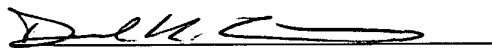
With reference to paragraph 4 of the Office Action claim 1 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,585,560. This rejection is respectfully traversed in that applicants' claimed invention is no longer believed to rendered obvious in view of claim 1 of U.S. Patent No. 6,585,560.

Particularly, as can be seen from the foregoing amendments, independent claim 1 has been cancelled and consequently further discussion with respect to the merits of the rejection is no longer believed to be warranted.

Therefore, in view of foregoing, it is respectfully requested that the objections and rejections record be reconsidered and withdrawn by the Examiner, that claims 7-10 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



Donald R. Studebaker  
Reg. No. 32,815

Nixon Peabody LLP  
401 9<sup>th</sup> Street N.W.  
Suite 900  
Washington, D. C. 20004  
(202) 585-8000